

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

Major Debra L. Sims,	)	C/A No. 3:17-cv-01694-DCC
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
Dr. Bryan Funke, Dr. Steven Koehl, Dr. Cecelia	)	ORDER
Carpenter-Sessions,	)	
	)	
Defendants.	)	
	)	

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This matter is before the Court on Plaintiff's Complaint alleging she was subject to harassment and discrimination in the workplace. ECF No. 1. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2), (D.S.C.), this matter was referred to United States Magistrate Judge Kaymani D. West for pre-trial proceedings and a Report and Recommendation ("Report"). On December 20, 2017, the Magistrate Judge ordered Plaintiff to provide certain documents to bring the case into proper form for evaluation for possible service of process. ECF No. 22. Plaintiff failed to respond to the Order and the time for response has lapsed. ECF No. 16. Plaintiff was specifically warned that failure to comply with the Order could subject the case to dismissal. ECF Nos. 22. On January 22, 2018, the Magistrate Judge issued a Report recommending that the Complaint be dismissed without prejudice for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. ECF No. 26.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo

determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

After considering the record in this case, the applicable law, and the Report of the Magistrate Judge, the Court finds no clear error and agrees with the Report’s recommendation that the Complaint be dismissed without prejudice for failure to prosecute. Accordingly, the Court adopts the Report by reference in this Order. The Complaint is dismissed without prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

s/Donald C. Coggins, Jr.  
United States District Judge

February 15, 2017  
Spartanburg, South Carolina